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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: March 5, 2007 Signature: _____

(Arthur S. Ortega)

Docket No.: BRECO 3.0-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rudolph Schoendienst

Application No.: 10/762,176

Group Art Unit: 3682

Filed: January 21, 2004

Examiner: M. Charles

For: TIMING BELT WITH WAVE
GLIDE SURFACE

RESPONSE TO SPECIES ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed January 3, 2007, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following Species under 35 U.S.C. §121:

Species I, Figures 1-4;

Species II, Figure 5;

Species III, Figure 6;

Species IV, Figure 7;

Species V, Figure 8; and

Species VI, Figure 9.

Applicant elects, with traverse, the invention of

Species IV (Figure 7) for prosecution in the present application. Applicant asserts that Species IV is readable on claims 1, 2, 3, 5-20 and 23-28.

Applicants acknowledge the Patent Office's admission that the application contains claims to patentably distinct species. Therefore, art which is found relevant to one species is not automatically relevant to any other.

That said, it is believed that the inventions are sufficiently closely related that a search and examination of one will necessarily require a search and examination of the others as well. Accordingly, the examination of all the claims of the application, and all the species, would, respectfully not be unduly burdensome.

Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

The Examiner indicated that Claim 1 is generic. Applicants point out that 37 CFR 1.141 provides that an allowable generic claim may link to a reasonable number of species embraced thereby. The practice is set forth in 37 CFR 1.146.

Applicants hereby submit a one-month extension thereby extending time for responding to the Official Action from February 3, 2007 to and including March 3, 2007.

If there are any additional charges in connection with this communication, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 5, 2007

Respectfully submitted,

By 

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